

Remarks

In accordance with the election made in the reply filed November 18, 2008, claims 1-23 have been withdrawn. The office action of February 26, 2009 has been carefully reviewed. In response to this office action, claims 24 and 27 have been amended and claims 18, 20, 25 and 30 have been canceled. In addition, new claims 31-34 have been added. Claims 24, 26-29, and 31-34 are currently pending and presented for review. Favorable reconsideration and allowance are respectfully requested in light of the remarks which follow.

Claim Rejections – 35 U.S.C. § 102(b)

Claims 24-30 have been rejected under 35 U.S.C. § 102(b) as being anticipated by Smith et al., International Publication No. WO 98/42101 (herein “Smith”). Claims 24 and 27 have been amended in response to this rejection.

Smith fails to disclose each and every limitation of claim 24, as amended. Smith discloses a control apparatus for transferring information to a remote apparatus. In particular Smith discloses delivering information to a terminal by applications such as streaming audio, video, or both (page 19, lines 9-24). Smith discloses analyzing the resources available and determining whether the information may be delivered and in what format it may be delivered (page 19, lines 9-24; page 29, line 24-page 31, line 27). Smith also discloses adjusting the resources allocated to the networked conference in response to a change in resources available on a terminal (page 38, line 27-page 40, line 17). Nevertheless, Smith does not disclose the deterministic, real-time control capabilities as required by the present claims.

Claim 24 requires “identifying a fixed time interval associated with the new control application program for completing execution of at least a portion of the new control application program.” Claim 24 further requires “determining whether the allocated portions of the new control application program can be executed within the portion of the fixed time interval allocated to each identified control hardware resource while requirements of the other control application programs also are met.” The Examiner previously identified Smith as disclosing a completion time constraint

according to the ability of a user to define a time of day during which the service may be provided. Such a disclosure by Smith does not satisfy the limitations of claim 24, as amended. First, the disclosure by Smith does not require any portion of the networking application to be completed within the time interval defined by the user. In contrast, the time interval defined by the user in Smith only permits the application to execute during some portion of the day. The application may or may not run during that time, and further, the application may start running but not complete during the allocated time. Second, the time interval defined by the user as disclosed by Smith is associated with a terminal and not with the control application program. Therefore, these elements of claim 24 are not disclosed by Smith.

Smith also fails to disclose each and every limitation of claim 27, as amended. Claim 27, as amended, requires similar timing restraints as previously described with respect to claim 24, and Smith fails to disclose such fixed timing constraints as required by the present claims.

For at least the above stated reasons, Applicant submits that independent claims 24 and 27, as well as claims 26, 28 and 29 which depend from claims 24 and 27, are in condition for allowance.

New Claims

New claims 31-34 have been added. Applicant submits that no new matter has been added and that these claims are fully supported by the specification.

Claim 31 includes the limitation that "the control hardware resources include multiple nodes and each node includes a memory device, a processor, and a communication means." This limitation is supported by Fig. 1 and the accompanying description.

Claim 32 includes the limitation that "the new control application program is allocated to a plurality of nodes." This limitation is supported by paragraph [0053].

Claim 33 includes the limitation that "the fixed completion time requirement is one of the high-level requirements." The specification identifies this limitation as a "completion-timing constraint" as disclosed in paragraph [0055].

Claim 34 includes the limitation that “the fixed completion time requirement is determined based on the high-level and the low-level requirements.” Fig. 4 and paragraphs [0055]-[0058] identify that the allocated programs must complete within an allocated time.

Conclusions

In light of these remarks and amendments, it is believed that claims 24, 26-29 and 31-34 are now in condition for allowance and allowance is respectfully requested. The Examiner is encouraged to contact the undersigned if minor amendments are needed in the figures, specification, or claims to bring this case into allowance.

Respectfully submitted,

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